

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case Nos. **14-C-739**
00-CR-242

WILLIE J. NEWTON, JR.,

Movant.

DECISION AND ORDER

The movant, Willie Newton, moves for reconsideration of the Court's ruling that his motion under 28 U.S.C. § 2255 is untimely. The Court takes Newton's motion to mean that, under § 2255(f)(3), his motion is timely because it was filed within one year of the Supreme Court's decision in *Alleyne v. United States*, 133 S. Ct. 2151 (2013). This is true because Newton placed his motion in the mail less than a year after *Alleyne* was issued. *Jones v. Bertrand*, 171 F.3d 499, 501-02 (7th Cir. 1999) (applying mailbox rule to habeas petitions). Therefore, Newton's motion for reconsideration [ECF No. 6] is **GRANTED**, but as previously stated, the Court still lacks jurisdiction to adjudicate Newton's motion because it is a second or successive petition.

Dated at Milwaukee, Wisconsin, this 29th day of August, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge